

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art **teach or suggest each element of the claim**, but the prior art must also **suggest combining the elements in the manner contemplated by the claim**. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See M.P.E.P. §2142. To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some **suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to **modify or combine the references** and that, when so modified or combined, the prior art **teaches or suggests all of the claim limitations**. See M.P.E.P. §2143. Applicant respectfully submits that these criteria for obviousness are not met here.

Independent claim 9 recites, among other things, an arrangement for influencing an operating state of an electronic device, including ***at least one operating unit*** and a movable part for operating the electronic device and on which the at least one operating unit is arranged. The movable part recited in claim 9 also includes a transponder and a code generator. In the arrangement recited in claim 9, the code generator generates a ***plurality of codes to be selected via the at least one operating unit*** in order to modulate the electromagnetic oscillation emitted from the transponder, and a plurality of further operating states of the electronic device is initiated by a selection of the plurality of codes.

The Office Action admits that the Loeffler reference does not teach an arrangement comprising at least one operating unit for operating an electronic device, a code generator that generates a plurality of codes in order to modulate the electromagnetic oscillation emitted from the transponder, and that a plurality of further operating states of the electronic devices is initiated by a selection of the plurality of codes. (Office Action, page 3, ll. 6-11). The Office Action asserts that these features are taught by the Ostermann reference.

Applicant respectfully submits that neither the Loeffler reference nor the Ostermann reference teaches, or even suggests, an electronic device including a code generator that generates ***a plurality of codes to be selected via the at least one operating unit*** in order to modulate the electromagnetic oscillation emitted from a transponder. The Office Action apparently relies on element 18 of a remote operator of the Ostermann reference as disclosing the recited operating element. However, switch button 18 of the Ostermann reference does not select one of a plurality of codes. According to the Ostermann reference,

"a transmitter 4 including an encoder 5 ... [emits] a coded infrared signal via a diode 19 when a switch button 18 is actuated." (Ostermann, col. 4, ll. 30-32). Actuating switch button 18 apparently operates to cause the transmitter including the encoder to emit a signal. However, there is no indication that actuating switch button 18 **selects** a plurality of codes. Therefore, neither reference discusses, or even suggests, a code generator for generating a **plurality of codes to be selected via the at least one operating unit** in order to modulate the electromagnetic oscillation emitted from the transponder. In fact, since as the Office Action admits the Loeffler reference does not disclose an operating unit, and since the Ostermann reference does not disclose an operating unit that selects codes, the combination of these references does not disclose a **code generator that generates codes to be selected via the at least one operating unit** in order to modulate the electromagnetic oscillation emitted from the transponder, as recited in claim 9. Therefore claim 9 is allowable over the combination of references.

Claims 10 and 11 depend from claim 9 and are therefore allowable for at least the same reasons as claim 9 is allowable.

Independent claim 12 relates to an apparatus for controlling an electronic device which includes at least one operating unit arranged on a movable part. The movable part includes a transponder and a code generator for generating a plurality of codes. The plurality of codes are selected via the at least one operating unit in order to modulate an electromagnetic oscillation emitted from the transponder. As discussed above, neither the Loeffler reference nor the Ostermann reference discloses or suggests a plurality of codes **being selected** via an operating unit. Therefore, it is respectfully submitted that the references do not render Claim 12 obvious.

Claims 13 and 14 depend from claim 12 and are therefore allowable for at least the same reasons as claim 12 is allowable.

Additionally, claim 13 recites that the at least one operating unit includes a plurality of operating elements including a plurality of pushbuttons. It is respectfully submitted that neither the Loeffler reference nor the Ostermann reference discloses or suggests a plurality of operating elements or a plurality of pushbuttons. As noted above, the Office Action admits that the Loeffler reference does not disclose an operating element. With respect to the Ostermann reference, the Office Action relies on element 18 as disclosing an operating element. However, as is apparent from figure 2 and the specification of the Ostermann reference, switch button 18 is a single element. (Ostermann, col. 4, ll. 31-32). Therefore, it is respectfully submitted that neither of the cited references disclose, or even

suggest, a plurality of operating elements, and therefore claim 13 is allowable over the combination of the references.

For at least the reasons discussed above, withdrawal of the rejections under 35 U.S.C. §103(a) with respect to claims 9-14 is hereby respectfully requested.

New claim 17 recites the additional feature that the at least one operating unit includes a plurality of operating elements. As discussed above with respect to claim 13, it is respectfully submitted that neither the Loeffler reference nor the Ostermann reference discloses or suggests a plurality of operating elements. Therefore, it is respectfully submitted that new claim 17 is allowable over the combination of the references.

CONCLUSION

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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